

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Beebe**

A Bill

ACT 407 OF 1993
SENATE BILL 36

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 24-8-218 TO PROVIDE FOR THE
9 RETIREMENT AND SURVIVORS_ BENEFITS OF RETIRED CIRCUIT,
10 CHANCERY, AND APPELLATE JUDGES WHO ARE ELECTED OR
11 APPOINTED TO A STATE JUDICIAL OFFICE AFTER RETIREMENT; AND
12 FOR OTHER PURPOSES."

Subtitle

14 "RETIREMENT BENEFITS OF JUDGES WHO ARE ELECTED OR
15 APPOINTED TO A STATE JUDICIAL OFFICE AFTER RETIREMENT."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code 24-8-218(c)(2) is amended to read as follows:
21 "(2) Any judge under the age of seventy (70) years who qualified to
22 receive retirement benefits under this subchapter and who is elected or
23 appointed to any judicial office in this state and who foregoes receipt of
24 retirement benefits while serving in the judicial office shall be entitled to
25 retirement benefits upon termination of such service. If the salary provided
26 for the last judicial office held is greater than the salary for the judicial
27 office held by the judge at the time of his initial retirement, the retirement
28 benefits and survivors' benefits to be received by the judge and the judge_s
29 survivors shall be computed on the basis of the salary for the judicial office
30 last held by the judge, if the judge has served continuously in such position
31 for a minimum of one (1) year. If the salary provided for the last judicial
32 office held is not greater than the salary for the judicial office held by the
33 judge at the time of the judge_s initial retirement, then upon termination of
34 such service, the retirement benefits and survivors_ benefits to be received
35 by the judge and the survivors shall be computed on the basis of the salary
36 for the judicial office held by the judge at the time of the judge_s initial

1 retirement. If the judge, at the time of the initial retirement, was entitled
2 to the benefits of the escalator clause provided in subsection (c)(1) above,
3 the judge and the judge_s survivors shall again be entitled to the benefits of
4 such escalator clause upon the termination of any such subsequent judicial
5 service."

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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20 SECTION 5. EMERGENCY. It is hereby found and determined by the General
21 Assembly that retired judges of the Judicial Retirement System are currently
22 serving in active judicial office in this state by reason of election or
23 appointment, and that in order to make clear and certain the rights of such
24 judges and their survivors as to the retirement benefits and survivors_
25 benefits to be received from the Judicial Retirement System after such judge_s
26 active judicial service is terminated, it is necessary that this act become
27 effective immediately. Therefore an emergency is hereby declared to exist and
28 this act being necessary for the preservation of the public peace, health and
29 safety shall be in full force and effect from and after its passage and
30 approval.

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APPROVED: 03-09-93

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